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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/018,979             | SCHUMACHER ET AL.   |  |
|                               | Examiner               | Art Unit            |  |
|                               | Renata McCloud         | 2837                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 10/21/2005.
2.  The allowed claim(s) is/are 47,48 and 50.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

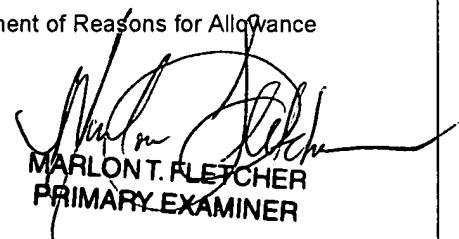
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_



MARLON T. FLETCHER  
**PRIMARY EXAMINER**

**DETAILED ACTION*****Allowable Subject Matter***

1. Claims 47, 48, 50 are allowed. The following is an examiner's statement of reasons for allowance:

Claim 47: The prior Art fails to teach or make obvious a device comprising two mufflers, and an actuator for changing a flow resistance of exhaust gases flowing through the mufflers to change the damping characteristic of the muffler device, wherein the actuator provided in a pipe bifurcation comprising an inlet and two outlets, each outlet being connected by a connecting pipe to one of the mufflers and a throughflow cross section of the inlet being variable by means of the actuator; the actuator comprising an active control element and a separate actuating element comprising a low pressure container having a diaphragm, a low pressure side of the diaphragm connected to a vacuum pump and an intake pipe of the engine, a middle of the diaphragm connected to the active control element; an electromagnetic 3/2 –way valve comprising a first connection connected to a second connection in a first valve position, and the second connection connected to the third connection in a second valve position.

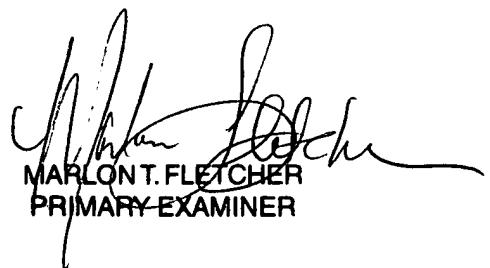
Claim 48: The prior Art fails to teach or make obvious a device comprising two mufflers, and an actuator for changing a flow resistance of exhaust gases flowing through the mufflers to change the damping characteristic of the muffler device, wherein the actuator provided in a pipe bifurcation comprising an inlet and two outlets, each outlet being connected by a connecting pipe to one of the mufflers and a throughflow cross section of the inlet being variable by means of the actuator; the actuator

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comprising a plunger guided through a sealing plug in a partition between two outlets outward as far as a spring housing.

Claim 50: The prior Art fails to teach or make obvious a device comprising two mufflers, and an actuator for changing a flow resistance of exhaust gases flowing through the mufflers to change the damping characteristic of the muffler device, wherein the actuator provided in a pipe bifurcation comprising an inlet and two outlets, each outlet being connected by a connecting pipe to one of the mufflers and a throughflow cross section of the inlet being variable by means of the actuator; a sealing plug in a hollow cylindrical housing of a spring housing or of a pressure container or low pressure container and secured to the housing on a partition of the pipe bifurcation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



MARLON T. FLETCHER  
PRIMARY EXAMINER